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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
John VONEIFF, *et al.*) Examiner: Ralph J. GITOMER
)
Appln. No.: 10/091,173) Group Art Unit: 1651
)
Filed: March 6, 2003) Confirmation No. 1310
)
For: APPARATUS AND METHOD)
FOR AUTOMATICALLY)
PRODUCING TISSUE SLIDES)

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

The outstanding Office Action mailed on May 10, 2004, requires that Applicants elect one of the following three (3) allegedly distinct inventions:

<u>INVENTION</u>	<u>CLAIMS</u>
I	11-19
II	20-26
III	27-35

Applicants hereby elect **claims 27-35 (Invention III) with traverse** and respectfully request reconsideration of the restriction requirement in view of the following remarks.

Restriction is appropriate only when the groups of claims can be shown to be distinct and there would be a serious burden on the Examiner to examine more than one group of claims. MPEP § 803. Applicants submit that there is no serious burden placed on the Examiner to examine Inventions I, II, and III together. Inventions I and III should at the very least be examined together as they are classified in the same class (class 83) with potentially overlapping subclasses. Accordingly, the restriction requirement is believed to be inappropriate.

CONCLUSION

Applicants maintain that the restriction requirement is improper and that all pending claims, *i.e.*, claims 11-35, should be examined for patentability. If the Examiner believes that the prosecution might be advanced by discussing the application with Applicants' representatives, in person or over the telephone, we would welcome the opportunity to do so.

Applicants believe that no fee is required for the submission of this Response. However, in the event that the U.S. Patent and Trademark Office requires a fee to enter this Response or to maintain the present application pending, please charge such fee to the undersigned's Deposit Account No. 50-0206.

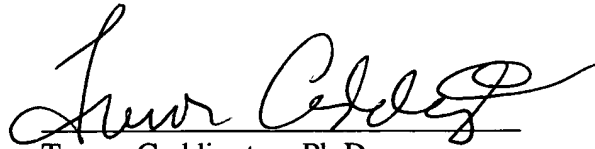
Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: June 7, 2004

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By:



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